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6 UNITED STATES DISTRICT COURT  
7 DISTRICT OF NEVADA

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9 UNITED STATES OF AMERICA,

Case No. 2:10-cr-00399-MMD-GWF

10 v. Plaintiff,

11 PAUL WAGNER, ORDER

12 Defendant.

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14 Before the Court is counsel for Defendant Paul Wagner's Motion to Withdraw.  
15 (Dkt. no. 173.) The Motion to Withdraw was filed the same day that a Notice of Appeal  
16 was filed. Because of the pending appeal, the Court lacks jurisdiction to take action on  
17 this motion. *U.S. v. Vroman*, 997 F.3d 627, 627 (9<sup>th</sup> Cir. 1993) (filing of notice of appeal  
18 "divests the district court of its control over the aspects of the case involved in the  
19 appeal") (*quoting Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982)).

20 IT IS THEREFORE ORDERED that the Motion to Withdraw (dkt. no. 173) shall be  
21 referred to the Ninth Circuit Court for its consideration.

22 DATED THIS 12<sup>th</sup> day of September 2013.

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MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE